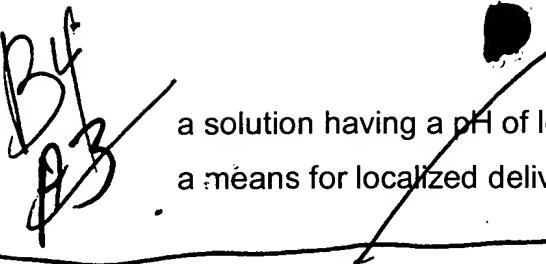


B4  
B3  
  
a solution having a pH of less than about 2; and  
a means for localized delivery of said solution to a vascular site of a host.

#### REMARKS

In view of the above amendments and the following remarks, the Examiner is respectfully requested to withdraw the rejections and allow Claims 1-20, the only claims pending and under examination at this time.

The claims have been amended to specify that the fluid delivery means is a localized fluid delivery means. All of the claim amendments find support in the specification and drawings, where localized delivery of fluid is discussed and illustrated. As such, no new matter has been added and entry of the above amendments and new claims is therefore respectfully requested.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE."

Claims 1-6 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Martindale.

As amended, the claimed kits are limited such that the fluid delivery means must be a localized delivery means. The reference cited by the Examiner discloses a method based on systemic administration of a fluid, and therefore does not teach or even suggest administration of a fluid based where the fluid is delivered in a localized manner. As such, Martindale fails to teach a kit that includes a localized delivery means.

Because Martindale fails to teach each and every element of the claimed kit, e.g., a localized fluid delivery means, Martindale fails to anticipate Claims 1-6 under 35 U.S.C. § 102(b) and this rejection may be withdrawn.

In addition, the Examiner has rejected Claims 1-20 under 35 U.S.C. § 102(e) as being anticipated by Hausheer.

As amended, the claimed kits are limited such that the fluid delivery means must be a localized delivery means. The reference cited by the Examiner discloses a method based on systemic administration of a fluid, and therefore does not teach or even suggest administration of a fluid based where the fluid is delivered in a localized manner. As such, Martindale fails to teach a kit that includes a localized delivery means.

Because Hausheer fails to teach each and every element of the claimed kit, e.g., a localized fluid delivery means, Hausheer fails to anticipate Claims 1-20 under 35 U.S.C. § 102(e) and this rejection may be withdrawn.

In view of the above amendments and remarks, this application is considered to be in good and proper form for allowance and the Examiner is respectfully requested to pass this application to issuance. The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815.

Respectfully submitted,

BOZICEVIC, FIELD & FRANCIS LLP

Date: 10.7.02

By: \_\_\_\_\_

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

1. (Amended) A kit for use in at least inhibiting the progression of restenosis at a vascular site of a host, said kit comprising:
  - a solution having a subphysiologic pH; and
  - a means for delivering localized delivery of said solution to a vascular site of a host.
8. (Once Amended) A kit for use in at least inhibiting the progression of restenosis at a vascular site of a host, said kit comprising:
  - a solution having a pH of less than about 4; and
  - a means for delivering localized delivery of said solution to a vascular site of a host.
15. (Once Amended) A kit for use in at least inhibiting the progression of restenosis at a vascular site of a host, said kit comprising:
  - a solution having a pH of less than about 2; and
  - a means for delivering localized delivery of said solution to a vascular site of a host.

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